

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

RICHARD J. GIBSON,

Petitioner,

Case No. 3:22-cv-173

vs.

WARDEN,  
London Correctional Institution,

District Judge Michael J. Newman  
Magistrate Judge Michael R. Merz

Respondent.

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**ORDER AND ENTRY: (1) AFFIRMING JUDGE MERZ'S DECISION AND ORDER (Doc. No. 46) DENYING PETITIONER'S MOTION FOR RECUSAL; (2) OVERRULING PETITIONER'S OBJECTIONS (Doc. Nos. 40, 43) AND ADOPTING, IN THEIR ENTIRETY, JUDGE MERZ'S REPORT AND RECOMMENDATION AND SUPPLEMENTAL REPORT AND RECOMMENDATION (Doc. Nos. 35, 42); (3) DENYING AS MOOT PETITIONER'S MOTION FOR SUMMARY JUDGMENT (Doc. No. 33); (4) DENYING AND DISMISSING WITH PREJUDICE PETITIONER'S HABEAS PETITION (Doc. No. 1); (5) DENYING PETITIONER A CERTIFICATE OF APPEALABILITY; (6) CERTIFYING THAT ANY APPEAL IN THIS MATTER WOULD BE OBJECTIVELY FRIVOLOUS AND FINDING THAT PETITIONER SHOULD BE DENIED *IN FORMA PAUPERIS* STATUS ON APPEAL; AND (7) TERMINATING THIS CASE ON THE DOCKET.**

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Petitioner, an inmate in state custody at the London Correctional Institution in London, Ohio, brings this case *pro se* seeking a writ of habeas corpus under 28 U.S.C. § 2254. Doc. No. 1. The case was referred to United States Magistrate Judge Michael R. Merz pursuant to 28 U.S.C. § 636(b). The case is before the Court on Petitioner's motion for summary judgment (Doc. No. 34), Judge Merz's Report and Recommendation (Doc. No. 35), Petitioner's objections (Doc. No. 40), Judge Merz's supplemental Report and Recommendation (Doc. No. 42), Petitioner's objections (Doc. No. 43), Judge Merz's decision and order denying motion for recusal (Doc. Nos. 44, 45), and Petitioner's objections (Doc. No. 46).

Upon careful *de novo* consideration of the foregoing, and the entire record, the Court finds no merit in Petitioner's objections and concurs with Judge Merz's thorough analysis and conclusions. Consequently, the Court (1) **AFFIRMS** Judge Merz's Decision and Order denying Petitioner's motion for recusal; (2) **OVERRULES** Petitioner's objections and **ADOPTS**, in their entirety, Judge Merz's Report and Recommendation and supplemental Report and Recommendation; (3) **DENIES** as moot Petitioner's motion for summary judgment; (4) **DENIES** and **DISMISSES WITH PREJUDICE** Petitioner's habeas petition; (5) **DENIES** Petitioner a certificate of appealability; (6) **CERTIFIES** that any appeal in this matter would be objectively frivolous and **FINDS** that Petitioner should be denied *in forma pauperis* status on appeal; and (7) **TERMINATES** this case on the docket.

**IT IS SO ORDERED.**

September 21, 2023

s/Michael J. Newman

Michael J. Newman  
United States District Judge